

REMARKS

Claims 1-6 were pending when a Final Office Action was mailed July 25, 2003. The Final Office Action rejected Claims 1-6 under 35 U.S.C. § 102. By way of this Response, Applicants hereby submit a 37 C.F.R. § 1.132 Declaration. Pursuant to 37 C.F.R. § 1.116, Applicants respectfully request reconsideration and allowance of all the claims now pending in this application.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

The Final Office Action rejected Claims 1-6 as being anticipated by Leonard et al. (6,349,898).

Applicants hereby submit a 37 C.F.R. § 1.132 Declaration from the inventors of this application. The Affidavit states that the subject matter in the cited reference that relates to Claims 1-6 of this application was invented by them. Because the subject matter was disclosed and not claimed in Leonard et al. ('898) and was invented by the inventors of the subject matter of the claims of this invention, Leonard et al. does not disclose subject matter that was by another. Therefore, Leonard et al. is no longer a valid reference under 35 U.S.C. § 102(e) and Claims 1-6 are allowable.

CONCLUSION

Applicants respectfully submit that all of the claims of the pending application are in condition for allowance over the cited reference. Accordingly, Applicants respectfully request withdrawal of the rejections, allowance, and early passage through issuance. Accordingly, Applicants submit that entry of this Response is proper because the claims of this patent application are placed in condition for allowance. If the examiner has any questions, the examiner is invited to contact the Applicant's agent listed below.




25315

PATENT TRADEMARK OFFICE

- 4 -

BOEI-1-1017RFOA

BLACK LOWE & GRAHAM ^{PLLC}


701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



Michael S. Smith
Registration No. 39,563
Direct Dial: 206.749.9888

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

11/18/03
Date of Deposit


Michelle J. Carman




25315
PATENT TRADEMARK OFFICE

- 5 -

BOEI-1-1017RFOA

BLACK LOWE & GRAHAM^{PLLC}


701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301